



January 22, 2016

SENATE BILL No. 380

DIGEST OF SB 380 (Updated January 20, 2016 4:25 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Electronic meetings of redevelopment commissions. Allows members of the following boards and commissions to vote at electronic meetings: (1) A redevelopment commission (in the case of Marion County, the metropolitan development commission acting as the redevelopment commission). (2) A board of directors of a redevelopment authority (in the case of Marion County, the board of directors of the county convention and recreational facilities authority). (3) A military base reuse authority. Requires the redevelopment commission or military base reuse authority to adopt policies governing member participation in electronic meetings of both the commission or authority and the redevelopment authority board of directors.

Effective: July 1, 2016.

Mishler

January 11, 2016, read first time and referred to Committee on Local Government.
January 21, 2016, reported favorably — Do Pass.

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January 22, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 380

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-14-3.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]: **Sec. 3.1. The commission may conduct meetings**
- 4 **electronically as provided in IC 36-7-14.5-9.5.**
- 5 SECTION 2. IC 36-7-14.5-9.5 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies to**
- 8 **meetings under IC 5-14-1.5 of members of:**
- 9 (1) the commission; or
- 10 (2) the board.
- 11 (b) The definitions in IC 5-14-1.5 apply to this section.
- 12 (c) A member may participate in a meeting by an electronic
- 13 means that allows:
- 14 (1) all participating members; and
- 15 (2) all members of the public who are physically present at the
- 16 meeting;
- 17 to simultaneously communicate with each other. The member shall

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1 be considered present for purposes of establishing a quorum and
2 may participate in any final action taken at the meeting.

3 (d) Both of the following apply to a meeting under this section:

4 (1) At least one-third (1/3) of the members must be physically
5 present at the place where the meeting is conducted.

6 (2) All votes during the meeting must be taken by roll call
7 vote.

8 This section does not affect the public's right to attend a meeting
9 at the place where the meeting is conducted and the minimum
10 number of members is physically present.

11 (e) Each member of the commission is required to physically
12 attend at least one (1) meeting of the commission annually. Each
13 member of the board is required to physically attend at least one
14 (1) meeting of the board annually.

15 (f) The commission may adopt a policy to govern participation
16 in the meetings of the commission or the board by electronic
17 communication. The policy may do any of the following:

18 (1) Require a member to request authorization to participate
19 in a meeting by electronic communication within a certain
20 number of days before the meeting to allow for arrangements
21 to be made for the member's participation by electronic
22 communication.

23 (2) Limit the number of meetings in a calendar year in which
24 any one (1) member may participate by electronic
25 communication.

26 (3) Provide that a member who participates in a meeting by
27 electronic communication may not cast the deciding vote on
28 any official action. For purposes of this chapter, a member
29 casts the deciding vote on an official action if, regardless of
30 the order in which the votes are cast:

31 (A) the member votes with the majority; and

32 (B) the official action is adopted or defeated by one (1)
33 vote.

34 (4) Require a member participating in a meeting by electronic
35 communication to confirm in writing the votes cast by the
36 member during the meeting within a certain number of days
37 after the date of the meeting.

38 (5) Provide that in addition to the location where a meeting is
39 conducted, the public may also attend some or all meetings,
40 excluding executive sessions, at a public place or public places
41 at which a member is physically present and participates by
42 electronic communication. If the commission's policy includes



1 **this provision, a meeting notice must provide the following**
 2 **information:**

3 (A) The identity of each member who will be physically
 4 present at a public place and participate in the meeting by
 5 electronic communication.

6 (B) The address and telephone number of each public place
 7 where a member will be physically present and participate
 8 by electronic communication.

9 (C) Unless the meeting is an executive session, a statement
 10 that a location described in clause (B) will be open and
 11 accessible to the public.

12 (6) Establish any other procedures, limitations, or conditions
 13 that govern participation in meetings of the commission by
 14 electronic communication and are not in conflict with this
 15 chapter.

16 (g) This section does not affect the right of the commission or
 17 board to exclude the public from an executive session in which a
 18 member participates by electronic communication.

19 SECTION 3. IC 36-7-15.3-8.6 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2016]: Sec. 8.6. (a) This section applies to
 22 meetings under IC 5-14-1.5 of members of:

- 23 (1) the commission; or
 24 (2) the board.

25 (b) The definitions in IC 5-14-1.5 apply to this section.

26 (c) A member may participate in a meeting by an electronic
 27 means that allows:

- 28 (1) all participating members; and
 29 (2) all members of the public who are physically present at the
 30 meeting;

31 to simultaneously communicate with each other. The member shall
 32 be considered present for purposes of establishing a quorum and
 33 may participate in any final action taken at the meeting.

34 (d) Both of the following apply to a meeting under this section:

- 35 (1) At least one-third (1/3) of the members must be physically
 36 present at the place where the meeting is conducted.
 37 (2) All votes during the meeting must be taken by roll call
 38 vote.

39 This section does not affect the public's right to attend a meeting
 40 at the place where the meeting is conducted and the minimum
 41 number of members is physically present.

42 (e) Each member of the commission is required to physically



1 attend at least one (1) meeting of the commission annually. Each
2 member of the board is required to physically attend at least one
3 (1) meeting of the board annually.

4 (f) The commission may adopt a policy to govern participation
5 in the meetings of the commission or the board by electronic
6 communication. The policy may do any of the following:

7 (1) Require a member to request authorization to participate
8 in a meeting by electronic communication within a certain
9 number of days before the meeting to allow for arrangements
10 to be made for the member's participation by electronic
11 communication.

12 (2) Limit the number of meetings in a calendar year in which
13 any one (1) member may participate by electronic
14 communication.

15 (3) Provide that a member who participates in a meeting by
16 electronic communication may not cast the deciding vote on
17 any official action. For purposes of this chapter, a member
18 casts the deciding vote on an official action if, regardless of
19 the order in which the votes are cast:

20 (A) the member votes with the majority; and

21 (B) the official action is adopted or defeated by one (1)
22 vote.

23 (4) Require a member participating in a meeting by electronic
24 communication to confirm in writing the votes cast by the
25 member during the meeting within a certain number of days
26 after the date of the meeting.

27 (5) Provide that in addition to the location where a meeting is
28 conducted, the public may also attend some or all meetings,
29 excluding executive sessions, at a public place or public places
30 at which a member is physically present and participates by
31 electronic communication. If the commission's policy includes
32 this provision, a meeting notice must provide the following
33 information:

34 (A) The identity of each member who will be physically
35 present at a public place and participate in the meeting by
36 electronic communication.

37 (B) The address and telephone number of each public place
38 where a member will be physically present and participate
39 by electronic communication.

40 (C) Unless the meeting is an executive session, a statement
41 that a location described in clause (B) will be open and
42 accessible to the public.



1 **(6) Establish any other procedures, limitations, or conditions**
2 **that govern participation in meetings of the commission by**
3 **electronic communication and are not in conflict with this**
4 **chapter.**
5 **(g) This section does not affect the right of the commission or**
6 **board to exclude the public from an executive session in which a**
7 **member participates by electronic communication.**
8 SECTION 4. IC 36-7-30-6.5 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2016]: **Sec. 6.5. The board may conduct meetings electronically**
11 **as provided in IC 36-7-14.5-9.5.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 380, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 380 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 9, Nays 0

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